

**General Docket
United States Court of Appeals for the Ninth Circuit**

Court of Appeals Docket #: 17-17349

Docketed: 11/21/2017
Termed: 10/22/2019

Nature of Suit: 2895 Freedom of Information Act of 1974

Jorge Rojas v. FAA, et al

Appeal From: U.S. District Court for Arizona, Phoenix

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) united states
- 3) null

Originating Court Information:

District: 0970-2 : [2:15-cv-01709-SMM](#)

Trial Judge: Stephen M. McNamee, Senior District Judge

Date Filed: 08/28/2015

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
09/25/2017	09/25/2017	11/20/2017	11/20/2017

Prior Cases:

None

Current Cases:

None

JORGE ALEJANDRO ROJAS
Plaintiff - Appellant,

Michael William Pearson, Esquire, Attorney
Direct: 602-258-1000
[COR LD NTC Retained]
Curry, Pearson & Wooten, PLC
Firm: 602-258-1000
814 W. Roosevelt St.
Phoenix, AZ 85007

v.

FEDERAL AVIATION ADMINISTRATION
Defendant - Appellee,

Kristina L. Morrison, Assistant U.S. Attorney
[COR NTC Assist US Attorney]
USPX - Office of the US Attorney
Two Renaissance Square
40 N. Central Avenue
Phoenix, AZ 85004

U.S. DEPARTMENT OF TRANSPORTATION
Defendant - Appellee,

Kristina L. Morrison, Assistant U.S. Attorney
[COR NTC Assist US Attorney]
(see above)

JORGE ALEJANDRO ROJAS,

Plaintiff - Appellant,

v.

FEDERAL AVIATION ADMINISTRATION; U.S. DEPARTMENT OF TRANSPORTATION,

Defendants - Appellees.

11/21/2017	1 16 pg, 1.08 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 11/28/2017. Appellant Jorge Alejandro Rojas opening brief due 01/19/2018. Appellees Federal Aviation Administration and United States Department of Transportation answering brief due 02/20/2018. Appellant's optional reply brief is due 21 days after service of the answering brief. [10662244] (JMR) [Entered: 11/21/2017 09:33 AM]
11/21/2017	2 3 pg, 27.47 KB	Filed (ECF) Appellant Jorge Alejandro Rojas Mediation Questionnaire. Date of service: 11/21/2017. [10662936] [17-17349] (Pearson, Michael) [Entered: 11/21/2017 01:14 PM]
12/12/2017	3 2 pg, 196 KB	MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [10687180] (BLS) [Entered: 12/12/2017 09:45 AM]
01/16/2018	4	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Jorge Alejandro Rojas. New requested due date is 02/20/2018. [10725722] [17-17349] (Pearson, Michael) [Entered: 01/16/2018 02:00 PM]
01/16/2018	5	Streamlined request [4] by Appellant Jorge Alejandro Rojas to extend time to file the brief is approved. Amended briefing schedule: Appellant Jorge Alejandro Rojas opening brief due 02/20/2018. Appellees Federal Aviation Administration and United States Department of Transportation answering brief due 03/22/2018. The optional reply brief is due 21 days from the date of service of the answering brief. [10725928] (BG) [Entered: 01/16/2018 03:15 PM]
02/01/2018	6 6 pg, 99.64 KB	Filed (ECF) Appellant Jorge Alejandro Rojas Unopposed Motion to extend time to file Opening brief until 03/16/2018. Date of service: 02/01/2018. [10747620] [17-17349] (Pearson, Michael) [Entered: 02/01/2018 10:55 AM]
02/02/2018	7 1 pg, 186.11 KB	Filed clerk order (Deputy Clerk: GS): Granting Motion [6] (ECF Filing) filed by Appellant Jorge Alejandro Rojas; Appellant Jorge Alejandro Rojas opening brief due 03/16/2018. Appellees Federal Aviation Administration and United States Department of Transportation answering brief due 04/16/2018. The optional reply brief is due 21 days after service of the answering brief. [10750241] (GS) [Entered: 02/02/2018 04:21 PM]
03/08/2018	8 6 pg, 109.75 KB	Filed (ECF) Appellant Jorge Alejandro Rojas Unopposed Motion to extend time to file Opening brief until 04/16/2018. Date of service: 03/08/2018. [10790745] [17-17349] (Pearson, Michael) [Entered: 03/08/2018 09:55 AM]
03/08/2018	9 1 pg, 186.1 KB	Filed clerk order (Deputy Clerk: GS): Granting Motion [8] (ECF Filing) filed by Appellant Jorge Alejandro Rojas; Alejandro Rojas opening brief due 04/16/2018. Appellees Federal Aviation Administration and United States Department of Transportation answering brief due 05/16/2018. The optional reply brief is due 21 days after service of the answering brief. [10791838] (GS) [Entered: 03/08/2018 04:50 PM]
04/16/2018	10 55 pg, 168.31 KB	Submitted (ECF) Opening Brief for review. Submitted by Appellant Jorge Alejandro Rojas. Date of service: 04/16/2018. [10839003] [17-17349] (Pearson, Michael) [Entered: 04/16/2018 07:52 PM]
04/16/2018	11 294 pg, 16.51 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Jorge Alejandro Rojas. Date of service: 04/16/2018. [10839004] [17-17349] (Pearson, Michael) [Entered: 04/16/2018 07:59 PM]

04/17/2018	12 2 pg, 188 KB	Filed clerk order: The opening brief [10] submitted by Jorge Alejandro Rojas is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the excerpts of record [11] submitted by Jorge Alejandro Rojas. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10839266] (SML) [Entered: 04/17/2018 09:18 AM]
04/23/2018	13	Received 7 paper copies of Opening Brief [10] filed by Jorge Alejandro Rojas. [10847575] (SD) [Entered: 04/23/2018 04:38 PM]
04/23/2018	14	Filed 4 paper copies of excerpts of record [11] in 2 volume(s) filed by Appellant Jorge Alejandro Rojas. [10848677] (KT) [Entered: 04/24/2018 01:16 PM]
04/24/2018	15	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees FAA and United States Department of Transportation. New requested due date is 06/15/2018. [10849308] [17-17349] (Bullis, Paul) [Entered: 04/24/2018 04:20 PM]
04/24/2018	16	Streamlined request [15] by Appellees FAA and United States Department of Transportation to extend time to file the brief is approved. Amended briefing schedule: Appellees Federal Aviation Administration and United States Department of Transportation answering brief due 06/15/2018. The optional reply brief is due 21 days from the date of service of the answering brief. [10849316] (JN) [Entered: 04/24/2018 04:22 PM]
06/15/2018	17 38 pg, 177.68 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellees FAA and United States Department of Transportation. Date of service: 06/15/2018. [10910353] [17-17349] (Bullis, Paul) [Entered: 06/15/2018 10:12 AM]
06/15/2018	18 463 pg, 35.01 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees FAA and United States Department of Transportation. Date of service: 06/15/2018. [10910365] [17-17349] (Bullis, Paul) [Entered: 06/15/2018 10:18 AM]
06/15/2018	19	Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellant Jorge Alejandro Rojas. New requested due date is 08/06/2018. [10910552] [17-17349] (Pearson, Michael) [Entered: 06/15/2018 11:20 AM]
06/15/2018	20 2 pg, 188.06 KB	Filed clerk order: The answering brief [17] submitted by FAA and United States Department of Transportation is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [18] submitted by FAA and United States Department of Transportation. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10910651] (SML) [Entered: 06/15/2018 11:53 AM]
06/15/2018	21	Streamlined request [19] by Appellant Jorge Alejandro Rojas to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 08/06/2018. [10910675] (BG) [Entered: 06/15/2018 12:02 PM]
06/19/2018	22	Filed 4 paper copies of supplemental excerpts of record [18] in 2 volume(s) filed by

018		Appellees FAA and United States Department of Transportation. [10913872] (SML) [Entered: 06/19/2018 11:29 AM]
06/19/2018	23	Received 7 paper copies of Answering Brief [17] filed by FAA and United States Department of Transportation. [10914717] (DB) [Entered: 06/19/2018 04:14 PM]
07/16/2018	24 5 pg, 87.14 KB	Filed (ECF) Appellant Jorge Alejandro Rojas Motion to extend time to file Reply brief until 08/31/2018. Date of service: 07/16/2018. [10944062] [17-17349] (Pearson, Michael) [Entered: 07/16/2018 03:48 PM]
07/17/2018	25 1 pg, 185.46 KB	Filed clerk order (Deputy Clerk: GS): Granting Motion [24] (ECF Filing) filed by Appellant Jorge Alejandro Rojas; The optional reply brief is due 08/31/2018. [10945903] (GS) [Entered: 07/17/2018 04:09 PM]
08/23/2018	26 29 pg, 86.93 KB	Submitted (ECF) Reply Brief for review. Submitted by Appellant Jorge Alejandro Rojas. Date of service: 08/23/2018. [10987667] [17-17349]--[COURT UPDATE: Attached corrected brief. 08/24/2018 by SLM] (Pearson, Michael) [Entered: 08/23/2018 02:42 PM]
08/24/2018	27 2 pg, 187.61 KB	Filed clerk order: The reply brief [26] submitted by Jorge Alejandro Rojas is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10988536] (SML) [Entered: 08/24/2018 10:01 AM]
08/29/2018	28	Received 7 paper copies of Reply Brief [26] filed by Jorge Alejandro Rojas. [10994494] (DB) [Entered: 08/29/2018 01:04 PM]
10/19/2018	29	<p>This case is being considered for an upcoming oral argument calendar in Phoenix</p> <p>Please review the Phoenix sitting dates for February 2019 and the two subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please inform the court <i>within 3 days of this notice</i>, using CM/ECF (Type of Document: File Correspondence to Court; Subject: regarding availability for oral argument).</p> <p>When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter <i>within 3 days of this notice</i>, using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation).[11053484] (AW) [Entered: 10/19/2018 11:34 AM]</p>
11/12/2018	30 1 pg, 30.37 KB	Filed (ECF) Appellant Jorge Alejandro Rojas Correspondence: regarding availability for oral argument. Date of service: 11/12/2018 [11084400] [17-17349] (Pearson, Michael) [Entered: 11/12/2018 10:47 AM]
11/20/2018	31	<p>This case is being considered for an upcoming oral argument calendar in Phoenix</p> <p>Please review the Phoenix sitting dates for March 2019 and the two subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please inform the court <i>within 3 days of this notice</i>, using CM/ECF (Type of Document: File Correspondence to Court; Subject: regarding availability for oral argument).</p>

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter *within 3 days of this notice*, using CM/ECF (**Type of Document**: File Correspondence to Court; **Subject**: request for mediation).[11095327] (AW) [Entered: 11/20/2018 04:03 PM]

11/21/2018 [32](#)
1 pg, 25.09 KB

Filed (ECF) Appellant Jorge Alejandro Rojas Correspondence: regarding availability for oral argument. Date of service: 11/21/2018 [11095678] [17-17349] (Pearson, Michael) [Entered: 11/21/2018 07:34 AM]

12/23/2018 33
018

Notice of Oral Argument on Wednesday, March 6, 2019 - 09:00 A.M. - Ceremonial Ctrm Phoenix - Phoenix AZ.

View the Oral Argument Calendar for your case [here](#).

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Wednesday, March 6, 2019. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[11132163] (AW) [Entered: 12/23/2018 06:16 AM]

12/26/2018 34
018

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Michael William Pearson, Esquire for Appellant Jorge Alejandro Rojas. Hearing in Other (Phoenix, AZ) on 03/06/2019 at 09:00 A.M. (Courtroom: Ceremonial Courtroom). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 12/26/2018. [11133330] [17-17349] (Pearson, Michael) [Entered: 12/26/2018 10:38 AM]

12/26/2018 35
018

Filed (ECF) Acknowledgment of hearing notice by Attorney Paul A. Bullis for Appellees FAA and United States Department of Transportation. Hearing in Other (Sandra Day O'Connor U.S. Courthouse, 401 W. Washington Street Phoenix, AZ 85003) on 03/06/2019 at 09:00 A.M. (Courtroom: Ceremonial Courtroom). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 12/26/2018. [11133398] [17-17349] (Bullis, Paul) [Entered: 12/26/2018 11:01 AM]

02/15/2019 [36](#)
19 pg, 265.78 KB

Filed (ECF) Appellant Jorge Alejandro Rojas citation of supplemental authorities. Date of service: 02/15/2019. [11192175] [17-17349] (Pearson, Michael) [Entered: 02/15/2019 12:53 PM]

02/21/2019 [37](#)
1 pg, 39.95 KB

Received copy of District Court order filed on 02/21/2019. NOTICE / ORDER [11203082] (JFF) [Entered: 02/21/2019 02:39 PM]

02/26/2019 [38](#)
3 pg, 29.7 KB

Filed (ECF) Appellees FAA and United States Department of Transportation citation of supplemental authorities. Date of service: 02/26/2019. [11208311] [17-17349] (Bullis, Paul) [Entered: 02/26/2019 02:19 PM]

03/06/2019 39
019

ARGUED AND SUBMITTED TO RICHARD R. CLIFTON, SANDRA S. IKUTA and MICHELLE

03/06/2019 [40](#)
1 pg, 8.46 MB

Filed Audio recording of oral argument.

Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [11223063] (DO) [Entered: 03/11/2019 02:17 PM]

03/28/2019 41

Filed (ECF) notice of appearance of Kristina L. Morrison for Appellees FAA and United States Department of Transportation. Substitution for Attorney Paul A. Bullis for Appellees FAA and United States Department of Transportation. Date of service: 03/28/2019. (Party previously proceeding without counsel: No) [11245280] [17-17349] (Morrison, Kristina) [Entered: 03/28/2019 12:19 PM]

03/28/2019 42

Attorneys Paul A. Bullis and Paul A. Bullis in 17-17349 substituted by Attorneys Kristina L. Morrison and Kristina L. Morrison in 17-17349 [11245418] (NAC) [Entered: 03/28/2019 01:08 PM]

10/22/2019 [43](#)
44 pg, 1.01 MB

FILED OPINION (RICHARD R. CLIFTON, SANDRA S. IKUTA and MICHELLE T. FRIEDLAND) The parties shall bear their own costs on appeal. AFFIRMED IN PART, REVERSED IN PART, AND VACATED AND REMANDED IN PART. Judge: SSI Authoring. FILED AND ENTERED JUDGMENT. [11472341] (AKM) [Entered: 10/22/2019 07:49 AM]
